

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3284

IN THE MATTER OF:

Served January 27, 1989

Application of PHOENIX TOURS, INC.,)
for a Certificate of Public)
Convenience and Necessity to)
Perform Special Operations)

Case No. AP-89-03

Application of PHOENIX TOURS, INC.,)
for a Certificate of Public)
Convenience and Necessity to)
Perform Charter Operations)

Case No. AP-89-04

By application filed January 10, 1989, in Case No. AP-89-03, Phoenix Tours, Inc. (Phoenix), a District of Columbia corporation, seeks a certificate of public convenience and necessity to transport passengers, together with baggage in the same vehicle as passengers, in special operations between points in the Metropolitan District. */

By application filed January 10, 1989, in Case No. AP-89-04, Phoenix seeks a certificate of public convenience and necessity to transport passengers, together with baggage in the same vehicle as passengers, in charter operations between points in the Metropolitan District. */

Phoenix currently holds WMATC Certificate No. 110 which authorizes transportation of passengers in charter operations, between points in the Metropolitan District restricted to round-trip sightseeing and incidental transfers and further restricted to transportation in vehicles having a seating capacity of 22 persons or less (including the driver).

Applicant plans to conduct the proposed operations using two 1975 47-passenger vehicles. For charter operations, Phoenix proposes to charge \$45 per hour, with a five-hour minimum. For travel outside "the Beltway," \$1.95 per "live mile" and \$1.10 per "deadhead" mile would be added to this charge. "[A]ll trips outside the Beltway would be charged by the hour or by the mile, whichever is greater." Transfer rates for Washington National Airport and Washington Dulles International Airport would be \$150 and \$180, respectively. Twenty-four hour notice of cancellation would be required to avoid the minimum five-hour charge.

*/ To the extent that the applications could be interpreted to include transportation solely within the Commonwealth of Virginia, the applications are hereby dismissed pursuant to the Compact, Title II, Article XII, Section 1(b).

At the onset of its operations applicant plans to offer three tours including a Civil War Tour that consists of a three-hour riding and walking tour of Civil War sites in Washington, DC; a Georgetown Tour that consists of a three-hour riding and walking tour of the Georgetown area; and a Colonial Development Tour that consists of a three-hour riding and walking tour of colonial sites in Georgetown, Old Town Alexandria, and Mount Vernon. It appears these tours would be available to groups on a charter basis at the hourly rates described above. Applicant would offer identical tours in special operations at the following rates: the Civil War Tour at \$15 per person; the Georgetown Tour at \$15 per person; and the Colonial Development Tour at \$19 per person. Applicant may be asked at hearing to clarify certain issues regarding application of the tariff.

Applicant's balance sheet as of November 30, 1988, shows current assets of \$39,070 with fixed and other assets after allowance for depreciation of \$134,828. Current liabilities are listed at \$45,235 with long-term liabilities of \$115,084, and equity of \$13,579 including \$9,579 in retained earnings. During its first year of operations, applicant expects to generate revenues of \$187,200 from the proposed special and charter operations; concomitant operating expenses are projected to be \$114,914.

Pursuant to Title II, Article XII, Section 4(b) of the Compact, these applications will be scheduled for public hearing to determine if applicant is fit, willing, and able to perform the proposed service properly and comply with the Compact and the Commission's rules and regulations and to determine whether the public convenience and necessity require the proposed service. Applicant will be assessed an amount preliminarily estimated to cover the costs of hearing pursuant to the Compact, Title II, Article XII, Section 19.

THEREFORE, IT IS ORDERED:

1. That a public hearing in Case Nos. AP-89-03 and AP-89-04 is hereby scheduled to commence on Tuesday, February 28, 1989 at 9:30 a.m. in the Hearing Room of the Commission, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104.

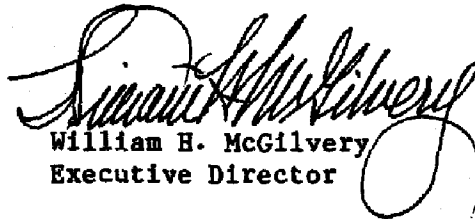
2. That Phoenix Tours, Inc., shall publish once in a newspaper of general circulation in the Metropolitan District, and post continuously and conspicuously in each of its vehicles through the date of public hearing, notice of these applications and the hearing thereon in the form prescribed by the staff of the Commission, no later than Thursday, February 2, 1989, and shall present at the hearing affidavits of publication and posting.

3. That any person desiring to protest either of these applications shall file a protest in accordance with Commission Rule No. 14, or any person desiring to be heard shall so notify the Commission, in writing, no later than Friday, February 17, 1989, and

shall simultaneously serve a copy of such protest or notice on applicant's attorney, Stephen M. Salinger, Esquire, 1625 Eye Street, N.W., Suite 1009, Washington, DC 20006.

4. That Phoenix Tours, Inc., is hereby assessed \$650 pursuant to Title II, Article XII, Section 19 of the Compact, and is directed to deliver said amount to the office of the Commission, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104, no later than Friday, February 17, 1989.

FOR THE COMMISSION:


William H. McGilvery
Executive Director